

## CHECKLIST FOR FAIR USE

*Please complete and retain a copy of this form in connection with each possible "fair use" of a copyrighted work for your project. Note that you may find that your use falls under both "Favoring Fair Use" under one factor, and "Opposing Fair Use" under another. You must make the determination for your specific instance which factor is more relevant.*

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Institution: \_\_\_\_\_

Project: \_\_\_\_\_

### PURPOSE

<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<input type="checkbox"/> Teaching (including multiple copies for classroom use) <input type="checkbox"/> Research <input type="checkbox"/> Scholarship <input type="checkbox"/> Nonprofit Educational Institution <input type="checkbox"/> Criticism <input type="checkbox"/> Comment <input type="checkbox"/> News reporting <input type="checkbox"/> Transformative or Productive use (changes the work for new utility) <input type="checkbox"/> Restricted access (to students or other appropriate group) <input type="checkbox"/> Parody	<input type="checkbox"/> Commercial activity <input type="checkbox"/> Profiting from the use <input type="checkbox"/> Entertainment <input type="checkbox"/> Bad-faith behavior <input type="checkbox"/> Denying credit to original author

### NATURE

<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<input type="checkbox"/> Published work <input type="checkbox"/> Factual or nonfiction based <input type="checkbox"/> Important to favored educational objectives	<input type="checkbox"/> Unpublished work <input type="checkbox"/> Highly creative work (art, music, novels, films, plays) <input type="checkbox"/> Fiction

### AMOUNT

<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<input type="checkbox"/> Small quantity <input type="checkbox"/> Portion used is not central <input type="checkbox"/> Amount is appropriate for favored educational purpose	<input type="checkbox"/> Large portion or whole work used <input type="checkbox"/> Portion used is central to work, significant to entire work or "heart of the work"

### EFFECT

<i>Favoring Fair Use</i>	<i>Opposing Fair Use</i>
<input type="checkbox"/> User owns lawfully acquired or purchased copy of original work <input type="checkbox"/> One or few copies made <input type="checkbox"/> No significant effect on the market or potential market for copyrighted work <input type="checkbox"/> No similar product marketed by the copyright holder <input type="checkbox"/> Lack of licensing mechanism	<input type="checkbox"/> Could replace sale of copyrighted work <input type="checkbox"/> Significantly impairs market or potential market for copyrighted work or derivative <input type="checkbox"/> Reasonably available licensing mechanism for use of the copyrighted work <input type="checkbox"/> Affordable permission available for using work <input type="checkbox"/> Numerous copies made <input type="checkbox"/> You made it accessible on Web or in other public forum <input type="checkbox"/> Repeated or long term use